

---

## North Coast Regional Water Quality Control Board

March 23, 2021

Mr. Brian Gerving  
City of Eureka  
531 K Street  
Eureka, CA 95501  
[Bgerving@ci.eureka.ca.gov](mailto:Bgerving@ci.eureka.ca.gov)

Certified Mail 7016 2710 0000 2653 3845

Dear Mr. Gerving:

Subject: Draft Resolution Order No. R1-2021-0017

File: The Elk River Restoration Project as an Exemption to the Enclosed Bays and Estuaries Policy Prohibiting Waste Discharges to Humboldt Bay  
NPDES NO. CA0024449

The draft Resolution, Order No. R1-2021-0017 (Draft Order) The Elk River Restoration Project as an Exemption to the Enclosed Bays and Estuaries Policy Prohibiting Waste Discharges to Humboldt Bay is available for public review and comment. The City of Eureka is currently enrolled under National Pollutant Elimination System (NPDES) Order No. R1-2016-0001.

The Draft Order can be viewed on the [Regional Water Board web site for tentative orders for Board decisions](#).

It is important that you review the entire document to ensure that you become familiar with the requirements, identify any requirements that you need help understanding, and identify any potential inaccuracies prior to Resolution adoption by the Regional Water Board.

A public meeting to consider comments and objections to the proposed resolution is scheduled for the Regional Water Board's **June 16 or 17, 2021** Board Meeting, or as announced in the Regional Water Board's agenda. Due to the COVID-19 emergency and the Governor's Executive Orders (Order Nos. N-29-20 and N-33-20) to protect public health by limiting public gatherings and requiring social distancing, this meeting is scheduled to occur solely via remote participation. Please follow the North Coast

Regional Water Quality Control Board website for information on how to participate in the meeting and any updates regarding this agenda item.

Live video and audio broadcasts of the public hearing will be available via the internet and can be accessed at the [CalEPA Public Meeting Live Webcasts page](#). The public hearing will be recorded.

Please be aware that dates and venues may change. You can access the current agenda for changes in dates at our [website](#). At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed WDRs.

You must submit written copies of all comments, technical reports, testimony, and other evidentiary material concerning this issue to the Regional Water Board email at [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) by 5:00 p.m. on **April 22, 2021**. This written material will be submitted to the Regional Water Board members and all interested persons along with the full agenda materials.

Written material received after the above date and time will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Permittee or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, Title 23, Sections 648.1 and 648.4).

The Regional Water Board will accept written and oral comments and evidence regarding this item. Written comments and evidence must be submitted to the Regional Water Quality Control Board by **April 22, 2021**. Oral comments or testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually will allow no more than 10 minutes for the Regional Water Board staff and District staff and three minutes for other interested persons. A timer may be used, and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

The Proposed Permit and related documents are available at the [Regional Water Board's website for tentative orders for Board decisions](#). Additionally, the Proposed Permit and file may be inspected or copied at the Regional Water Board office, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. During the COVID-19 emergency and pursuant to the Governor's Executive Order N-22-30, appointments are required for document review and can be made by calling (707) 576-2220.

You may contact me at [Justin.Mcsmith@waterboards.ca.gov](mailto:Justin.Mcsmith@waterboards.ca.gov) or (707) 576-2082, if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Justin McSmith". The signature is written in a cursive style with a large, stylized 'J' and 'M'.

Justin McSmith  
Water Resources Control Engineer

210323\_JCM\_dp\_21\_0017\_Eureka\_TransLtr

Certified-Return Receipt Requested

cc: Michael Hansen, City of Eureka, [Mphansen@ci.eureka.ca.gov](mailto:Mphansen@ci.eureka.ca.gov)

Katie Marsolan, City of Eureka, [Kmarsolan@ci.eureka.ca.gov](mailto:Kmarsolan@ci.eureka.ca.gov)

Sunny Elliot U.S. EPA, Region 9, NPDES Permits Section (WTR-2-3),  
[Elliott.Sunny@epa.gov](mailto:Elliott.Sunny@epa.gov)